

### **REMARKS/ARGUMENTS**

The present application includes pending Claims 1-18, 20, 21 and 25-28, of which the final Official Action rejects Claims 1, 4-6, 9-11, 15-18, 20, 21 and 25-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0128514 to Rhoads. The first Official Action also rejects Claims 2, 3, 7, 8, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Rhoads, in view of U.S. Patent No. 6,505,160 to Levy et al. Finally, the first Official Action rejects Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Rhoads, in view of U.S. Patent No. 6,363,364 to Nel. As explained below, Applicants respectfully submit that the claimed invention is patentably distinct from Levy, Rhoads and Nel, taken individually or in combination; and accordingly traverse the rejections of the claims. In view of the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application. Alternatively, as the remarks presented herein do not raise any new issues or introduce any new matter, Applicants respectfully request entry of this Reply for purposes of narrowing the issues upon appeal.

#### ***A. Claims 1, 4-6, 9-11, 15-18, 20, 21 and 25-29 are Patentable over Rhoads***

The final Official Action rejects Claims 1, 4-6, 9-11, 15-18, 20, 21 and 25-29 as being unpatentable over Rhoads. Again, Rhoads discloses a device that monitors ambient audio for the presence of a digital watermark in an audio work, whereby the digital watermark includes an encoded data payload. The data payload may include a number of data fields representing, for example, the title, name of the artist and publisher of the work, the date of publication, etc. Upon detecting the digital watermark, the device decodes the encoded payload data, and transmits some or all of the decoded payload data to a relay station, which in turn, route the data to a destination for use thereby. As disclosed, the destination may be a repository storing the audio work such that, upon receiving the data from the relay station, the destination dispatches the respective audio work to the user via the Internet.

Independent Claim 1 recites a method in a system where user equipment and another party are enabled to exchange transaction data. As recited, the method includes generating a data entity that associates with a particular transaction, and including information of an object that

associates with the transaction in the data entity. As also recited, the method includes transmitting the data entity to the user equipment over a wireless interface. Further, the method includes downloading to the user equipment additional information that associates with the transaction based on said information of the object.

As Applicants' explained in response to the first Official Action, in contrast to independent Claim 1, Rhoads does not teach or suggest performing a number of functions with respect to a particular transaction, including generating a data entity associated with a particular transaction. The Official Action asserts that the watermark disclosed by Rhoads corresponds to the recited data entity. Without conceding a proper interpretation of Rhoads, consider for the sake of argument that the aforementioned interpretation of Rhoads is accurate. In accordance with such an interpretation, however, Rhoads does not teach or suggest that the digital watermark is associated with a particular transaction, similar to the data entity of the claimed invention. Rather, as disclosed by Rhoads, the digital watermark includes data associated with the music track within which the watermark is encoded. More particularly, for example, Rhoads discloses that its digital watermark includes, for example, data related to the artist, distribution entity, title and copyright date/proprietor, and may also include an identifier (e.g., ISBN-like number) uniquely identifying the track. Rhoads, paragraph 76. The claimed invention, on the other hand, recites that its data entity is associated with a particular transaction.

In response to the foregoing, the final Official Action alleges that Applicants do not define "particular transaction," and given its broadest reasonable interpretation, alleges that Rhoads discloses the aforementioned feature. By its very terms, however, a particular transaction relates to a distinct transaction in the general category of transactions. *See Merriam-Webster Online, Definition of Particular* (visited June 4, 2007) <<http://www.m-w.com/dictionary/particular>>. Thus, by its very terms, the claimed invention relates to generating a data entity that associates with a distinct transaction in the general category of transactions.

In contrast to the claimed invention, again, Rhoads does not teach or suggest a digital watermark (allegedly corresponding to the recited data entity) associated with a particular transaction in that Rhoads does not teach or suggest a digital watermark associated with any

distinct transaction in the general category of transactions. Again, any information included in the watermark of Rhoads relates to the music track within which the watermark is encoded, and is generic to all transactions with which the music track may be involved. As noted in the Official Action, the information may include a price and usage controls. Even considering price and usage controls, however, nowhere does Rhoads teach or suggest that the information is associated with a particular transaction, as opposed to being generic to all transactions.

Applicants therefore respectfully submit that independent Claim 1, and by dependency Claims 4-6, 9-11, 15-18 and 29, is patentably distinct from Rhoads. Applicants further respectfully submit that independent Claims 20 and 25-28 recite subject matter similar to that of independent Claim 1, including the aforementioned feature of a data entity including information for a particular transaction. Thus, for at least the reasons given above, Applicants respectfully submit that independent Claims 20 and 25-28 are also patentably distinct from Rhoads for at least the reasons given above with respect to independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1, 4-6, 9-11, 15-18, 20, 21 and 25-29 as being anticipated by Rhoads is overcome.

***B. Claims 2, 3, 7, 8, 13 and 14 are Patentable over Rhoads in view of Levy***

The first Official Action rejects Claims 2, 3, 7, 8, 13 and 14 as being unpatentable over Rhoads in view of Levy. As explained above, Rhoads does not teach or suggest generating a data entity associated with a particular transaction, as recited by independent Claim 1, and by dependency Claims 2, 3, 7, 8, 13 and 14. Similarly, Applicants respectfully submit that Levy does not teach or suggest this feature of the claimed invention. Applicants therefore respectfully submit that independent Claim 1, and by dependency Claims 2, 3, 7, 8, 13 and 14, is patentably distinct from Rhoads and Levy, taken individually or in combination.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 2, 3, 7, 8, 13 and 14 as being unpatentable over Rhoads in view of Levy is overcome.

***C. Claim 12 is Patentable over Rhoads in view of Nel***

The first Official Action rejects Claim 12 as being unpatentable over Rhoads in view of Nel. Again, as explained above, Rhoads does not teach or suggest generating a data entity associated with a particular transaction, as recited by independent Claim 1, and by dependency Claim 12. Similarly, Applicants respectfully submit that Nel does not teach or suggest this feature of the claimed invention. Applicants therefore respectfully submit that independent Claim 1, and by dependency Claim 12, is patentably distinct from Rhoads and Nel, taken individually or in combination.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claim 12 as being unpatentable over Rhoads in view of Nel is overcome.

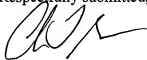
Appl. No.: 10/083,432  
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Reply to Official Action of December 13, 2006

**CONCLUSION**

In view of the remarks presented above, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application. Alternatively, as the remarks presented herein do not raise any new issues or introduce any new matter, Applicants respectfully request entry of this Reply for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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